

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No.: 21-cr-108 (PAM/TNL)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	
)	
DEREK MICHAEL CHAUVIN,)	
)	
Defendant.)	
)	
)	

**DEFENDANT’S PRETRIAL
MOTION FOR DISCOVERY
AND INSPECTION**

Derek Michael Chauvin, through his attorney, Eric J. Nelson, Halberg Criminal Defense, moves this Court to enter an Order requiring the Government to permit defense counsel to inspect, copy, photograph, or scientifically analyze the following items within the possession, custody, or control of the Government, the existence of which is known or shall become known to the Government by the exercise of due diligence:

1. Any and all written, recorded, or oral statements made by the defendant or copies thereof within the possession, custody or control of the Government;
2. The substance of any oral statement made by the defendant, whether before or after arrest, which the Government intends to offer in evidence at the trial;
3. A copy of the prior criminal record of the defendant, which is known, or by the exercise of due diligence may become known to the attorney for the Government including the following:

- (a) each prior sentence of imprisonment exceeding one year and one month;
- (b) each prior sentence of imprisonment of at least sixty days;
- (c) information regarding whether the defendant is alleged to have committed the instant offense while under any criminal justice sentence; including probation, parole, supervised release, imprisonment, work release, or escape status;
- (d) information regarding whether the defendant is alleged to have committed the instant offense less than two years after release from imprisonment on the sentence included under (a) or (b) above.

4. Permission for the defendant to inspect and/or copy books, papers, documents, photographs, tangible objects which are within the possession, custody or control of the Government, including photographs used by case agents in their investigations to identify defendant, and which are material to the preparation of the defense or are intended for use by the Government as evidence in chief at the trial, or were obtained from or belonged to the defendant.

5. Permission of the defendant to inspect and copy the results of any physical or mental examinations or scientific tests or experiments, or computer forensic examinations, including but not limited to fingerprint, blood, tissue, fluid or chemical analyses.

6. Pursuant to Rules 12(b)(3)(E) and 16(a)(1)(G), a written summary of any testimony the Government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during the case-in-chief at trial.

7. Pursuant to Rule 12(h), prior to the suppression hearing to be held in this case, all statements of governmental and non-governmental witnesses that are subject to disclosure under Rule 26.2.

If prior to trial, the Government discovers additional evidence or material previously requested or ordered which is subject to discovery or inspection herein before requested, the Government is requested to notify counsel for the defendant of the existence of the additional material.

This motion is based upon the files and records in this case, the Indictment, the Federal Statutes, the Federal Rules of Criminal Procedure, the United States and Minnesota Constitutions and upon such other and further points and authorities as may subsequently be presented to the Court.

Respectfully submitted,

HALBERG CRIMINAL DEFENSE

Dated: August 3, 2021

/s/ Eric J. Nelson

Eric J. Nelson

Attorney No. 308808

Attorney for Defendant

7900 Xerxes Avenue South, Suite 1700

Bloomington, MN 55431

Phone: (612) 333-3673